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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHARLES P. HAGGARTY and GINA M.
HAGGARTY,

Plaintiffs,

vs.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. CV 10-2416 CRB

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~ ORDER
AUTHORIZING ISSUANCE OF A RULE 45
SUBPOENA FOR PRODUCTION OF
DOCUMENTS**

1 WHEREAS, on January 28, 2011, the Court referred this case to private mediation;

2 WHEREAS, the parties are now preparing to attend such private mediation;

3 WHEREAS, plaintiffs seek certain information regarding the calculation of the Eleventh
4 District Cost of Funds Index ("COFI") in the possession, custody or control of a third party, the
5 Federal Home Loan Bank of San Francisco;

6 WHEREAS, the information sought is not within defendant's possession, custody or control;

7 WHEREAS, the parties have conferred and agreed that plaintiffs would seek Court
8 authorization to issue a subpoena for the production of documents, information, or objects pursuant to
9 Federal Rule of Civil Procedure ("Rule") 45 and before the Rule 26(f) conference in this case, and that
10 defendant would stipulate to the relief sought;

11 NOW, THEREFORE, it is hereby stipulated and agreed by the parties, subject to Court
12 approval, that plaintiffs may issue and serve a subpoena on third party the Federal Home Loan Bank of
13 San Francisco seeking documents and information relevant to the calculation of COFI and that
14 plaintiffs may do so before the Rule 26(f) conference in this case.

15 IT IS SO STIPULATED.

16
17 DATED: March 11, 2011

BY: /s/ Dario de Ghetaldi

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*Attorneys for Plaintiffs Charles P. Haggarty and
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DATED: March 11, 2011

BY: /s/ Jack R. Nelson

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E-FILING ATTESTATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, Anthony D. Phillips
hereby attests that concurrence in the filing of this document has been obtained.

By: /s/ Anthony D. Phillips
Anthony D. Phillips

ORDER

Pursuant to the stipulation of the parties and good cause having been shown under Rule 26(d)(1), the Court authorizes plaintiffs to issue a subpoena, pursuant to Rule 45, requesting the production of documents, information, or objects, and to serve the subpoena on third party the Federal Home Loan Bank of San Francisco before the conference of the parties required by Rule 26(f).

IT IS SO ORDERED.

Dated: March 16, 2011

By: _____

